

## **EXHIBIT BB**

1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

ANTHONY MANGANIELLO,

Plaintiff,

CASE No:

07-CV-3644

-against-

THE CITY OF NEW YORK, et al.

Defendants.

- - - - -X

May 2, 2008

2:12 p.m.

DEPOSITION of CHRISTINE SCACCIA, the  
witness herein, taken pursuant to  
Court Order, and held at the Offices  
of New York Corporation Counsel, 100  
Church Street, New York, New York,  
before Mary T. Slavik, RPR, a  
Certified Court Reporter and Notary

Public of the State of New York



New York Reporting, Inc.  
court reporting • video • e-discovery

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

CHRISTINE SCACCIA

2

A P P E A R A N C E S:

OSORIO & ASSOCIATES, LLC

Attorneys for Plaintiff

184 Martine Avenue

White Plains, New York 10601

BY: MICHAEL H. JOSEPH, ESQ.

NEW YORK CITY LAW DEPARTMENT

OFFICE OF THE CORPORATION COUNSEL

Attorneys for Defendants

100 Church Street, 4th Floor

New York, New York 10007

BY: MARK ZUCKERMAN, ESQ.

and

AMY N. OKEVEKE, ESQ.



CHRISTINE SCACCIA

3

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing and sealing be and the same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, shall be reserved to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the Court.



CHRISTINE SCACCIA

4

1

2

CHRISTINE SCACCIA,

3

having been first duly sworn by the Notary

4

Public, Mary T. Slavik, and stating her

5

address as 198 East 161st Street, Bronx,

6

New York 10451, was examined and testified

7

as follows:

8

9

EXAMINATION BY

10

MR. JOSEPH:

11

Q. Ma'am, can we please have your

12

name and business address for the record?

13

A. Christine Scaccia, S-c-a-c-c-i-a.

14

The address is 198 East 161st Street,

15

Bronx, New York 10451.

16

Q. Between February of 2001 and July

17

of 2004, were you employed by the Bronx

18

County District Attorney's Office?

19

A. Yes, I was.

20

Q. And during that time period, what

21

was your position?

22

A. I was over -- in July of 2001, I

23

went to the grand jury evaluations bureau

24

where I was serving as the deputy chief of



CHRISTINE SCACCIA

5

1 the bureau in homicide.

2 Q. And what does the deputy chief for  
3 the grand jury evaluations do?

4 A. Well, we would authorize homicide  
5 arrests based on any new homicides that  
6 occurred within the county, and we also  
7 supervise the presentation of homicide  
8 presentations into a grand jury panel.

9 Q. What procedure, if any, existed in  
10 2001 for the authorization of a homicide  
11 arrest?

12 A. If there was a homicide that had  
13 taken place we would, one, first of all, be  
14 notified that someone had been killed. If  
15 there was a suspect who was either  
16 identified or in custody once witnesses  
17 were spoken to and interviewed, the  
18 officers on the case would call the DA's  
19 office to either further take statements if  
20 the defendant was willing to or just  
21 process the arrest.

22 Q. And what steps, if any, had to be  
23 done, taken, for a suspect to either be  
24 placed in custody or remain in custody



CHRISTINE SCACCIA

6

1       between February of 2001 and May of 2001?

2               MR. ZUCKERMAN: I just object to  
3       form. You can answer if you can.

4       A. Okay. Well, you would need a  
5       combination of a number of things. You  
6       would have to be able to prove, one, that  
7       the crime was committed. You would have to  
8       have a suspect either identified by  
9       civilian witnesses or making incriminating  
10      statements, implicating themselves. You  
11      have a combination of either one,  
12      generally, you have probable cause to make  
13      an arrest.

14      Q. Now, aside from those two factors,  
15      would it therefore be fair to say that  
16      there would be no probable cause to make an  
17      arrest?

18              MR. JOSEPH: Object to the form.

19      A. It would depend on what the  
20      circumstances were, I mean obviously.

21              Does that mean I can answer?

22              MR. ZUCKERMAN: Yes.

23      Q. You can answer unless he tells you  
24      not to.





CHRISTINE SCACCIA

7

1           A.     Okay.   If you had a statement  
2           either by the suspect or an ID by an  
3           eyewitness, or in some circumstances  
4           circumstantial evidence would result in  
5           probable cause to make an arrest.

6           Q.     And what role, if any, did you  
7           play in terms of presentation of cases to  
8           grand juries for homicide investigations  
9           between February of 2001 and May of 2001?

10          A.     On occasion I was present with a  
11          junior assistant watching them and  
12          supervising them presenting cases, and on  
13          occasion, I, myself, was assigned to  
14          homicide investigations to put into the  
15          grand jury.

16          Q.     Following the presentation to the  
17          grand jury, what responsibility, if any,  
18          did you have for the prosecution of the  
19          case between that time period?

20                 MR. ZUCKERMAN:   Talking about  
21                 Manganiello?

22                 MR. JOSEPH:   I'm asking what her  
23                 general responsibilities were during  
24                 this time period.



CHRISTINE SCACCIA

8

1 MR. ZUCKERMAN: Do you  
2 understand?

3 A. The way the office was structured  
4 then, the homicides -- after going through  
5 a grand jury phase -- if there was an  
6 indictment would have been sent out to a  
7 trial division. So after the grand jury  
8 paperwork was done, if the case was not  
9 assigned to me, I would have no  
10 involvement.

11 Q. And for what reason or reasons  
12 would a case be assigned to you?

13 A. Staffing issues, high profile  
14 cases, it would just depend.

15 Q. Okay. In 2001, did you become  
16 involved in the prosecution of Anthony  
17 Manganiello?

18 A. Yes.

19 Q. How?

20 A. Once again, acting first in the  
21 capacity as deputy chief and grand jury, I  
22 was made aware of the case and then an  
23 informant was brought to my attention.

24 Q. When were you first made aware of



CHRISTINE SCACCIA

9

1 the case?

2 MR. ZUCKERMAN: what day or when  
3 in the process?

4 Q. Approximately what day were you  
5 made aware of the -- strike that.

6 At some point were you made aware  
7 that Anthony Manganiello was a suspect in  
8 the shooting of Albert Acosta?

9 MR. ZUCKERMAN: Object to the  
10 form. You can answer.

11 A. Yes.

12 Q. Approximately when was the first  
13 time you were made aware that Anthony  
14 Manganiello was a suspect in the shooting  
15 of Albert Acosta?

16 MR. ZUCKERMAN: Object to the  
17 form. You can answer.

18 A. Probably the day following the  
19 incident.

20 Q. would that be approximately  
21 February 13th, 2001?

22 A. Yes.

23 Q. And how did you become aware of  
24 Anthony Manganiello?



CHRISTINE SCACCIA

10

1           A.     We have assistants who are on call  
2     24 hours a day, or I should say 24 hours at  
3     a time who are responsible for responding  
4     to homicide scenes and taking any kind of  
5     information down that's pertinent. Either  
6     just a body or if someone is arrested they  
7     would process the case. So that assistant  
8     reports every morning, following the end of  
9     their shift, what, if anything, took place  
10    on the preceding shift.

11           Q.     Was it ADA Adondis who made a  
12    report to you concerning Anthony  
13    Manganiello?

14           A.     I believe he was the assistant on  
15    duty.

16           Q.     And did you speak to ADA Adondis  
17    or did you review paperwork or something  
18    else?

19           A.     Probably a combination of both.

20           Q.     And on February 13th, 2001, did  
21    you become aware that ADA Adondis had felt  
22    that there was no probable cause to arrest  
23    Anthony Manganiello for the shooting or  
24    murder of Albert Acosta?



CHRISTINE SCACCIA

11

1 MR. ZUCKERMAN: Object to the  
2 form.

3 A. I don't think ADA Adondis'  
4 feelings had anything to do with it. I  
5 know there was a decision not to take  
6 Mr. Manganiello into custody at that time.

7 Q. And can you tell me who made that  
8 decision?

9 MR. ZUCKERMAN: Not to take him  
10 into custody?

11 Q. Correct.

12 A. To tell you the truth I don't know  
13 if it was a combination of the Police  
14 Department, District Attorney's decision or  
15 if it ultimately was with the District  
16 Attorney's Office.

17 Q. Okay. Well, can you tell me who  
18 was involved in the decision not to take  
19 Anthony Manganiello into custody?

20 MR. ZUCKERMAN: Just don't guess.  
21 If you know, certainly tell him.

22 A. I cannot give you a specific  
23 individual's name. What I can tell you is  
24 the setup. If Mr. Adondis was the



CHRISTINE SCACCIA

12

1 assistant on 24-hour beeper, above him is a  
2 supervisor who wears the beeper for a week  
3 and generally would make a call as to  
4 whether or not to process an arrest. Above  
5 the supervisor is the chief of homicide, Ed  
6 Taldy, and I was his deputy. So, it was  
7 either one or a combination of those  
8 people.

9 Q. Now, on February 12th of 2001 or  
10 February 13th of 2001, did you become aware  
11 of a decision not to take Anthony  
12 Manganiello into custody?

13 A. Yes, I know he wasn't arrested  
14 that day.

15 Q. And can you tell me why the  
16 decision was made not to take him into  
17 custody on February 12th or February 13th  
18 of 2001?

19 A. For further investigation.

20 Q. Was there a determination that  
21 there was insufficient probable cause to  
22 arrest Anthony Manganiello on February 12th  
23 and/or 13th for the homicide of Albert  
24 Acosta?



CHRISTINE SCACCIA

13

1 MR. ZUCKERMAN: Object to form.

2 A. I don't know if that's exactly how  
3 I would phrase it, but I believe that there  
4 was more investigative steps that we wished  
5 the Police Department to take before we  
6 authorized the arrest.

7 Q. And was there an arrest authorized  
8 on February 12th or February 13th of 2001?

9 A. No.

10 Q. And for what reason was an arrest  
11 not authorized?

12 A. To take further investigative  
13 steps.

14 Q. Were you -- what further  
15 investigative steps, if any, were deemed  
16 appropriate or necessary --

17 MR. ZUCKERMAN: Object to form.

18 Q. -- to take Anthony Manganiello  
19 into custody at some point in time  
20 following February 13th, 2001?

21 MR. ZUCKERMAN: I object to the  
22 form. You can answer.

23 A. What steps - I want to be clear -  
24 after that did we take?



CHRISTINE SCACCIA

14

1 Q. At the point in time that a  
2 decision was made not to take Anthony  
3 Manganiello into custody because of further  
4 investigative steps, what were the  
5 investigative steps that were deemed  
6 necessary to be taken?

7 MR. ZUCKERMAN: Object to form.  
8 You can answer.

9 A. One of those steps would have been  
10 interviewing the witnesses ourselves. The  
11 witnesses who were present on the scene the  
12 day before. There were search warrants  
13 that were being executed, and I believe  
14 there was forensic testing that we wanted  
15 to accomplish.

16 Q. Let's start with the forensic  
17 testing. What forensic testing did you  
18 want to be accomplished, if any?

19 MR. ZUCKERMAN: Object to the  
20 form.

21 A. I believe that there was a  
22 substance found on Mr. Manganiello's  
23 uniform jacket that seemed to have been  
24 consistent with the location of where





CHRISTINE SCACCIA

15

1 officer Acosta was killed. That was  
2 relayed to us by officers on the scene.  
3 And I believe that Officer Acosta's  
4 clothing had some of the same type dusty  
5 white substance on it. So I know for sure,  
6 off the top of my head, that was one of the  
7 forensic questions that we had pending.

8 Q. Was also the test concerning  
9 gunshot residue of Mr. Manganiello's hands  
10 and/or jacket one of the forensic tests you  
11 were waiting to get back?

12 A. I think the hand -- I know one was  
13 done on his hand, but I don't know if the  
14 results can be told immediately by the  
15 person performing the test, but I know  
16 those tests were performed. The jacket may  
17 have been sent to the lab. I don't know if  
18 you get an immediate response when you're  
19 swabbing someone's hand.

20 Q. When did you learn of the results  
21 of the swabs of the hands, of  
22 Mr. Manganiello's hands?

23 A. It wasn't too long after the  
24 incident, I don't remember a date.



CHRISTINE SCACCIA

16

1 Q. Was it prior to April 20th of  
2 2001?

3 A. Prior to the grand jury proceeding  
4 I would think so, yes.

5 Q. And what were the results of the  
6 swab to Mr. Anthony Manganiello's hand for  
7 gunshot residue?

8 A. To the best of my recollection it  
9 was negative.

10 Q. And do you recall a test for  
11 gunshot residue to Anthony Manganiello's  
12 jacket?

13 A. I know one was done.

14 Q. And to the best of your  
15 recollection --

16 MR. ZUCKERMAN: Are you done with  
17 your answer?

18 A. I don't believe that the results  
19 were positive on that either.

20 Q. That's my next question.

21 MR. ZUCKERMAN: Just allow her to  
22 finish.

23 Q. To the best of your recollection,  
24 what were the results of the gunshot



CHRISTINE SCACCIA

17

1 residue test to Anthony Manganiello's  
2 jacket?

3 A. I believe they were also negative.

4 Q. What was the significance, if any,  
5 of a negative gunshot residue test to  
6 Mr. Manganiello's hand and jacket which was  
7 taken on February 12, 2001 in a case  
8 involving a shooting?

9 MR. ZUCKERMAN: I object to the  
10 form. You can answer.

11 A. Actually none because the test is  
12 unreliable.

13 Q. Okay. What search warrants were  
14 you waiting for?

15 A. I believe there was a search  
16 warrant executed on Mr. Manganiello's  
17 personal vehicle.

18 Q. And did the results of that search  
19 warrant provide any evidence which in any  
20 way tied Anthony Manganiello to the  
21 shooting of Albert Acosta?

22 A. Directly, no.

23 Q. How about indirectly?

24 A. There were items that were



CHRISTINE SCACCIA

18

1       retrieved during the course of the search  
2       warrant. I believe there was an imitation  
3       pistol, some handcuffs, some permits of  
4       sorts. There were unusual items recovered  
5       from them but nothing criminally linking  
6       him to Mr. Acosta's death.

7           Q.     Now, it is fair to say that  
8       Mr. Acosta was not killed with an imitation  
9       pistol; correct?

10       A.     No.

11       Q.     So, in what way, indirectly, would  
12       an imitation pistol link Anthony  
13       Manganiello to the shooting of Albert  
14       Acosta, if any?

15           MR. ZUCKERMAN: Object to form.

16       A.     If I recall, and you'll have to  
17       forgive me if I'm mistaken because it's  
18       been quite some time, I think within the  
19       vehicle there was also some sort of  
20       documentation indicating that  
21       Mr. Manganiello owned pistols or used to go  
22       to a pistol range. And in his official  
23       capacity as a Parkchester security officer,  
24       he's not licensed to carry a gun.



CHRISTINE SCACCIA

19

1 Q. Are you sure about that?

2 MR. ZUCKERMAN: Sure about what?

3 Q. That Mr. Manganiello was not  
4 licensed to carry a firearm.

5 A. As part of his job in Parkchester  
6 he was not an armed security guard is what  
7 I mean. There was either a permit or some  
8 sort of paperwork, I think, tending to  
9 connect him to a firing range, I want to  
10 say somewhere in the confines of  
11 Westchester County, but as I said, this is  
12 awhile ago.

13 Q. Were you aware that Anthony  
14 Manganiello was actually a State Park  
15 Police Officer?

16 A. Not that I recall as I sit here  
17 today, no.

18 Q. And if he was a State Park Police  
19 officer and had a valid license for a  
20 pistol permit, in what way would that tie  
21 him to the shooting of Albert Acosta?

22 MR. ZUCKERMAN: Object to the  
23 form.

24 A. Well, it would certainly give him



CHRISTINE SCACCIA

20

1 the opportunity to possess a weapon such as  
2 the one that Mr. Acosta was killed with.

3 Q. In what way would that  
4 differentiate Mr. Manganiello from any  
5 other police officer that's licensed to  
6 carry a weapon?

7 MR. ZUCKERMAN: Object to form.

8 A. That being the only factor it  
9 wouldn't; taken in conjunction with  
10 everything else we were finding out about  
11 the case it would.

12 Q. On February 12th and February  
13 13th, 2001, did you come into possession of  
14 any documents from the New York City Police  
15 Department concerning Anthony Manganiello  
16 and/or the investigation into the homicide  
17 of Albert Acosta?

18 MR. ZUCKERMAN: Object to the  
19 form.

20 A. At that point in time the only  
21 thing I would have had access to were  
22 possibly copies of any police vouchers that  
23 were prepared in connection with the case;  
24 a complaint report or a UF61, as the Police



CHRISTINE SCACCIA

21

1 Department form is called, and whatever  
2 complaint follow-ups had been prepared at  
3 that time.

4 Q. Complaint follow-ups, are you  
5 referring to forms known as DD5's?

6 A. Yes.

7 Q. At any point did you take  
8 possession or see the original handwritten  
9 notes of interviews with witnesses on the  
10 scene in this case?

11 A. At some point I did see them.

12 Q. And when did you see them?

13 A. It would have been early on in the  
14 investigation.

15 Q. And where were you when you saw  
16 them?

17 A. Physically or who did I work for?

18 Q. Where were you physically when you  
19 saw them?

20 A. Somewhere in the confines of the  
21 Bronx District Attorney's Office.

22 Q. Did you -- strike that.

23 How did you come into possession  
24 of these handwritten interview notes, not



CHRISTINE SCACCIA

22

1 the DD5's, but the original handwritten  
2 interview notes?

3 A. They would have been part of the  
4 original police file that was being  
5 maintained by Detective Agostini.

6 Q. Were you ever provided copies of  
7 those original notes?

8 MR. ZUCKERMAN: Sorry?

9 Q. The original interview notes, were  
10 you ever provided with copies of those?

11 A. I do not know for sure whether I  
12 had some of those notes that were  
13 eventually turned over to the defense.

14 Q. Do you have a recollection --  
15 strike that.

16 Did Mr. Agostini ever provide you  
17 with the entire case folder, the homicide  
18 case folder for Mr. Acosta's death for  
19 copying?

20 MR. ZUCKERMAN: Object to form.

21 A. There was a time that I had access  
22 to the entire case folder, and that would  
23 have been probably at the grand jury  
24 stage. I did not maintain possession of





CHRISTINE SCACCIA

23

1 that folder between the grand jury and  
2 trial, as you're probably aware.

3 Q. what do you mean by "you had  
4 access to the file"?

5 MR. ZUCKERMAN: I object to form.

6 You can answer.

7 A. I mean when a detective comes to  
8 see you regarding a case they generally  
9 bring their file with them.

10 Q. And were you ever provided with  
11 copies of the original handwritten notes  
12 taken from the witnesses on the scene on  
13 February 12th, 2001?

14 MR. ZUCKERMAN: Object to form.

15 A. As I stated, I believe at some  
16 time I had some of them. There were others  
17 that I did not have.

18 Q. Did a number of these written  
19 interview notes go missing?

20 MR. ZUCKERMAN: Object to form.

21 A. I believe what went missing was  
22 the spiral notebook that Detective Agostini  
23 would have maintained, among other things.

24 Q. What other things to the best of



CHRISTINE SCACCIA

24

1 your recollection went missing?

2 A. I remember it being described as a  
3 box containing the notes, containing the  
4 actual DD5's themselves which I had copied  
5 and turned over to counsel, that's how we  
6 have them for trial.

7 I believe that one of the things  
8 that we were not able to secure in the end  
9 was Mr. Manganiello's Parkchester security  
10 memo book. I don't know if there were  
11 miscellaneous items from Mr. Acosta in that  
12 box as well. I want to say that maybe his  
13 shield or hat were in that box, but I'm not  
14 one hundred percent certain.

15 Q. Now, can you tell me what -- would  
16 it be fair to say that every handwritten  
17 interview that you had you turned over to  
18 defense counsel?

19 A. Yes.

20 Q. And if Mr. Manganiello's defense  
21 counsel did not have a handwritten note of  
22 a witness interview, would that mean you  
23 were not provided with that note?

24 MR. ZUCKERMAN: Object to form.



CHRISTINE SCACCIA

25

1 A. Yes.

2 Q. Was there ever a point in time  
3 when Detective Agostini copied all of the  
4 handwritten notes in the spiral notebook  
5 and provided you a copy of it?

6 MR. ZUCKERMAN: Object to form.

7 A. Not that I can recall, no.

8 Q. Did you ever ask him to do that?

9 A. I think I asked him to do that  
10 when we were preparing to go to trial,  
11 which is how it became known that the box  
12 that I was looking for was no longer where  
13 it had been left.

14 Q. And what -- how did you first --  
15 how did you become aware that a box was  
16 missing?

17 A. When I --

18 Q. Let me rephrase that.

19 How did you become aware that the  
20 case, the homicide case file for Albert  
21 Acosta was missing?

22 MR. ZUCKERMAN: Object to form.

23 A. Because we began preparing for  
24 trial.



CHRISTINE SCACCIA

26

1 Q. And as part of the trial, were  
2 there -- were you obligated to provide  
3 what's known as Rosario material to the  
4 defense?

5 A. Yes.

6 MR. ZUCKERMAN: Object to the form  
7 of the last question. The answer  
8 stands.

9 Q. And was it your understanding that  
10 the box which was lost contained what was  
11 known as Rosario material?

12 A. Yes, and I believe there was a  
13 little hearing about what happened to the  
14 box during the course of the trial or  
15 during pretrial hearings.

16 Q. What did you say to Detective  
17 Agostini and what did he say to you when  
18 you first learned that the box was missing?

19 MR. ZUCKERMAN: Object to form.  
20 You can answer.

21 A. Again, doing this from memory I  
22 seem to be under the impression today as I  
23 sit here, that when the case was getting  
24 ready for trial Detective Agostini was not



CHRISTINE SCACCIA

27

1 working at the 43rd Precinct anymore. I  
2 had called him and told him we were going  
3 to court and he went back to the precinct  
4 to try to get his paperwork and file to  
5 bring down to the office, and that's when  
6 we became aware that it was not in the spot  
7 that he had left it.

8 Q. Where did he tell you he left it?

9 A. I want to say that there is a room  
10 in the 43rd Precinct squad room contained  
11 within it, that was -- I don't know if they  
12 were using it as a file room or -- it was a  
13 room within a room, and I believe he said  
14 he had left it in there on top of the file  
15 cabinet in a clearly marked box.

16 Q. Did he tell you that he left it in  
17 the locker room?

18 A. That might be what that room was.

19 Q. Were you aware that the 43rd  
20 Precinct had a storage room specifically  
21 for homicide case files?

22 A. I know that the 43rd Precinct had  
23 case files in a number of places.

24 Q. Now, did you receive all of the



CHRISTINE SCACCIA

28

1 DD5's in this case at one time or at  
2 various times during the course of the  
3 investigation?

4 A. It would have to be at various  
5 times while they became prepared.

6 Q. Did Mr. Agostini, prior to the  
7 file going missing, ever provide you with  
8 the complete homicide case file for it to  
9 be copied --

10 MR. ZUCKERMAN: Object to form.

11 Q. -- concerning Mr. Manganiello?

12 A. No, I don't think for those  
13 purposes. I had asked him to bring it down  
14 prior to when it became an issue.

15 Q. On February 12th or February 13th,  
16 2001, did you agree with the assessment  
17 that Mr. Manganiello should not be arrested  
18 or charged for the homicide investigation  
19 at that point?

20 MR. ZUCKERMAN: Object to form.

21 A. I guess the short answer would be,  
22 I was comfortable with it and wanted more  
23 investigative steps taken, yes.

24 Q. On February 12th or February 13th,



CHRISTINE SCACCIA

29

1 2001, based on the information that you had  
2 at that point, did you feel there was  
3 probable cause to arrest, authorize an  
4 arrest of Anthony Manganiello to be  
5 prosecuted for the homicide of Albert  
6 Acosta?

7 MR. ZUCKERMAN: Object to form.

8 A. I'm sorry, say it again.

9 Q. On February 12th or February 13th  
10 of 2001, when you first became aware of  
11 this case --

12 MR. JOSEPH: Read back my last  
13 question.

14 (Requested question was read back  
15 by the court reporter.)

16 MR. ZUCKERMAN: Object to form.

17 Q. On February 13th, 2001, did you  
18 feel there was sufficient evidence to  
19 authorize an arrest of Anthony Manganiello  
20 for the homicide of Albert Acosta?

21 MR. ZUCKERMAN: Object to form.

22 A. I think there may have been  
23 probable cause but because the case was a  
24 circumstantial case, I think everyone was



CHRISTINE SCACCIA

30

1 more comfortable holding off on making an  
2 arrest.

3 MR. ZUCKERMAN: Are you done with  
4 your answer?

5 A. And that's why we decided to take  
6 further investigative steps.

7 Q. Try and let her finish.

8 MR. JOSEPH: I thought she was.

9 Q. Was there any admission by  
10 Mr. Manganiello that he was in any way  
11 involved in the shooting of Albert Acosta?

12 MR. ZUCKERMAN: Object to form.

13 A. No, not that I can recall, no.

14 Q. Was there any civilian witness who  
15 identified Anthony Manganiello as being  
16 involved in the shooting death of Albert  
17 Acosta?

18 MR. ZUCKERMAN: Object to form.

19 A. There were witnesses who  
20 identified him and described his conduct  
21 which supplied circumstantial evidence that  
22 he was involved in the death of Albert  
23 Acosta.

24 Q. And what witness was that or





CHRISTINE SCACCIA

31

1 witnesses was that?

2 A. There were officers that were  
3 present on the scene after the discovery of  
4 officer Acosta. There was a maintenance  
5 worker on the scene prior to the discovery  
6 of Mr. Acosta. There was -- at what point  
7 do you want me to stop because then other  
8 people became known to the Police  
9 Department?

10 Q. Well, I'm asking you about  
11 February 12th, February 13th.

12 A. Then it would have been the  
13 civilian that was present before and then  
14 the officers present after.

15 Q. Now, by the civilian, are you  
16 talking about Walter Cobb?

17 A. Yes, I am.

18 Q. Were you made aware on February  
19 12th or February 13th, of any inconsistent  
20 statements by Walter Cobb?

21 A. No.

22 Q. Were you ever made aware that  
23 Walter Cobb said he heard the shots and he  
24 thought they came from outside of the



CHRISTINE SCACCIA

32

1 building?

2 MR. ZUCKERMAN: Object to form.

3 A. I don't remember that.

4 Q. Let me ask you to take a look at  
5 what has been marked previously as Exhibit  
6 25 with a date of 12/20/07, and direct your  
7 attention to paragraph two and I'll show  
8 counsel first.

9 MR. ZUCKERMAN: Paragraph what?

10 MR. JOSEPH: Two on the bottom.

11 A. I've read it.

12 Q. Have you seen this prior to  
13 today?

14 A. I would have, yes. I don't  
15 remember the day I saw it, but this is the  
16 police report in connection with the case.

17 Q. Did you see it prior to April 20th  
18 of 2001?

19 A. Yes.

20 Q. Okay. Did you see it on or about  
21 February 12th or February 13th of 2001?

22 A. If not then, shortly thereafter  
23 probably.

24 Q. Did Officer Agostini provide you



CHRISTINE SCACCIA

33

1 with any information that caused you to  
2 initiate a prosecution against Anthony  
3 Manganiello?

4 MR. ZUCKERMAN: Object to form.

5 A. Did he provide me with any  
6 information?

7 Q. Yes.

8 A. No, he provided us with witnesses  
9 which resulted in the prosecution of  
10 Mr. Manganiello.

11 Q. What witnesses were those?

12 A. Walter Cobb. There were, I  
13 believe, two individuals that were brought  
14 forth from a pizza store in a surrounding  
15 area. I don't remember the names off the  
16 top of my head, but I know one or both of  
17 them testified.

18 Q. Would that be Tartone and Booth?

19 A. Yes.

20 Q. What other witnesses, if any, did  
21 Mr. Agostini provide?

22 A. I think that was it. The other  
23 witness came from another source within law  
24 enforcement.



CHRISTINE SCACCIA

34

1 Q. Would that be Derek Parker?

2 A. That would be the person that  
3 brought him forward, yes. The witness was  
4 Terrance Alston.

5 Q. And how did Mr. Parker bring  
6 forward Terrance Alston?

7 A. Detective Parker was Mr. Alston's  
8 handler for lack of a better term.  
9 Mr. Alston had been an informant of his in  
10 the past. They had come into contact with  
11 each other. I don't know if it was at  
12 Rikers Island or just because Mr. Alston  
13 reached out to Derek Parker. He relayed  
14 information to Detective Parker and  
15 Detective Parker notified the Bronx.

16 MR. ZUCKERMAN: The Bronx DA?

17 A. The Bronx DA, I'm sorry.

18 Q. What makes you think that --  
19 strike that.

20 Can you tell me the source of your  
21 belief that Mr. Alston had been an  
22 informant for Mr. Parker in the past?

23 MR. ZUCKERMAN: Can you read that  
24 back?



CHRISTINE SCACCIA

35

1 (Requested question was read back  
2 by the court reporter.)

3 MR. ZUCKERMAN: Object to form.  
4 If you understand you can answer.

5 A. That would have come from  
6 Mr. Parker and/or Mr. Alston.

7 Q. Were you aware that Derek Parker  
8 testified in a deposition that this case  
9 was his first dealing with Mr. Alston?

10 A. Would I be surprised that he said  
11 that?

12 Q. Were you aware that he testified  
13 in a deposition basically to the opposite  
14 of what you just said?

15 MR. ZUCKERMAN: Object to the  
16 form.

17 A. No, I was not aware of that. But  
18 I know Detective Parker is the one that  
19 brought me Mr. Alston.

20 Q. Did Mr. Robert Martinez or  
21 Detective Martinez provide you with any  
22 information that caused you to initiate a  
23 prosecution against Anthony Manganiello?

24 MR. ZUCKERMAN: Object to form.



CHRISTINE SCACCIA

36

1 A. Detective Martinez?

2 Q. Correct.

3 A. No, because as I sit here today I  
4 can't even recall what his involvement in  
5 this case was.

6 Q. How about Lieutenant Scott, did  
7 Lieutenant Scott provide you with any  
8 information that caused you to initiate a  
9 prosecution against Anthony Manganiello?

10 A. No.

11 Q. How about John McGovern or  
12 Sergeant McGovern?

13 A. No.

14 Q. What information did Agostini  
15 provide you with that caused you to  
16 initiate a prosecution against Anthony  
17 Manganiello?

18 MR. ZUCKERMAN: Object to form.

19 A. Again, it wasn't Detective  
20 Agostini providing information, it was  
21 Detective Agostini providing witnesses who  
22 had given statements regarding the events  
23 that resulted in Mr. Acosta's death.

24 Detective Agostini was not either



CHRISTINE SCACCIA

37

1 a witness nor did he take any sort of  
2 confession admission from Mr. Manganiello,  
3 so, he could offer no insight to the manner  
4 of Mr. Acosta's death.

5 Q. Did Mr. Agostini tell you that  
6 Anthony Manganiello was evasive while he  
7 was being questioned?

8 A. I remember he said that I think at  
9 some point he refused to answer pedigree  
10 information, and was either inconsistent or  
11 evasive about what appeared to be a fresh  
12 cut on one of his fingers.

13 Q. And did that information cause or  
14 did that information cause you in part to  
15 initiate a prosecution against Anthony  
16 Manganiello for the shooting of  
17 Mr. Acosta?

18 MR. ZUCKERMAN: Object to form.

19 A. No, actually despite that  
20 information I believe -- that was -- that  
21 all occurred on the day that he was  
22 released.

23 Q. When for the first time did you  
24 meet with Alston?



CHRISTINE SCACCIA

38

1 MR. ZUCKERMAN: Alston?

2 Q. Terrance Alston.

3 MR. ZUCKERMAN: You want a date  
4 from her?

5 Q. To the best of your recollection,  
6 how soon after the shooting did you meet  
7 with Terrance Alston or learn of Terrance  
8 Alston's existence?

9 MR. ZUCKERMAN: I object to the  
10 form. I mean, do you want a date,  
11 where in the process, I mean?

12 Q. Approximately, how many days  
13 following the shooting of Albert Acosta,  
14 did you become aware that Mr. Terrance  
15 Alston may have had some information  
16 pertinent or relative to the shooting of  
17 Albert Acosta?

18 A. I would put it in between -- we  
19 went to the grand jury in April and this  
20 happened in February. I don't remember it  
21 happening in the initial days following  
22 Mr. Acosta's death, but I don't really have  
23 a sense if it could have been as long as a  
24 month or not, I don't remember, sorry.





CHRISTINE SCACCIA

39

1 Q. Prior to -- strike that.

2 Did Terrance Alston testify before  
3 the grand jury?

4 A. Yes, he did.

5 Q. And was that approximately April  
6 2001?

7 A. Yes.

8 Q. Prior to him testifying, were you  
9 ever made aware that Terrance Alston had  
10 lied to Detective Agostini about a witness  
11 named Johnny Baker selling Anthony  
12 Manganiello a gun?

13 A. I believe --

14 MR. ZUCKERMAN: I object to form.

15 A. I believe that the name that  
16 Mr. Alston gave Detective Agostini was not  
17 the individual's government or true name,  
18 but there was -- that individual did exist.

19 Q. Well, do you have a recollection  
20 of Terrance Alston -- strike that.

21 Do you have a recollection of  
22 learning that Terrance Alston told  
23 Detective Agostini that a gentleman named  
24 Johnny Baker sold Anthony Manganiello a



CHRISTINE SCACCIA

40

1 gun?

2 MR. ZUCKERMAN: Object to form.

3 A. Yes, that is the name he used in  
4 the initial report by Detective Agostini.

5 Q. And when did you become aware of  
6 that, was that before the case was  
7 presented to the grand jury or afterwards?

8 A. Did I become aware that the  
9 individual -- he's saying an individual  
10 sold Manganiello a gun or the kid's name is  
11 not Jamel Baker or whatever he said  
12 initially.

13 Q. Let me ask you this. Prior to  
14 authorizing the arrest of Anthony  
15 Manganiello, did you -- were you aware that  
16 Terrance Alston had told lieutenant --  
17 Detective Agostini that a gentleman named  
18 Johnny Baker had sold Anthony Manganiello a  
19 gun, when in fact, the gentleman named  
20 Johnny Baker did not sell Anthony  
21 Manganiello a gun?

22 MR. ZUCKERMAN: Object to form.

23 A. I would say I was aware of the  
24 contents of that report probably before the



CHRISTINE SCACCIA

41

1 grand jury.

2 Q. And, by the way, did you ever  
3 inform the grand jury or make it known to  
4 the grand jury that Terrance Alston had  
5 lied about a person selling Anthony  
6 Manganiello a gun?

7 MR. ZUCKERMAN: Object to form.

8 A. Once again, I believe that  
9 Terrance Alston did not give the person's  
10 true name to the detective. I do know that  
11 that person existed.

12 Q. Well, by not giving Detective  
13 Agostini the, quote, unquote, "true name,"  
14 would that be a lie?

15 MR. ZUCKERMAN: Object to form.

16 A. It is a lie.

17 Q. Did you ever inform the grand jury  
18 that Terrance Alston lied to Detective  
19 Agostini?

20 A. No.

21 Q. Is there any reason you didn't  
22 make the grand jury aware of that?

23 A. That evidence was never put before  
24 the grand jury. I never tried to elicit



CHRISTINE SCACCIA

42

1 information to the grand jury that anyone  
2 sold Officer Manganiello a gun. Terrance  
3 Alston was put into the grand jury for an  
4 entirely different purpose.

5 Q. Did you have any concerns about  
6 Terrance Alston's credibility prior to  
7 putting him in the grand jury?

8 A. After interviewing him regarding  
9 these subjects, no.

10 Q. And did the fact that Terrance  
11 Alston had lied to Detective Agostini cause  
12 you any concern about his credibility?

13 A. No.

14 Q. Okay. Did you ever question  
15 Terrance Alston about his lie to Detective  
16 Agostini about Johnny Baker selling Anthony  
17 Manganiello a gun?

18 MR. ZUCKERMAN: Object to form.

19 A. Well, I mean at some point we did  
20 have a conversation because then we found  
21 out that individual's real name, and he  
22 said that he did it because he was trying  
23 to keep the kid out of trouble.

24 Q. I'm sorry, can you repeat that?



CHRISTINE SCACCIA

43

1           A.   Terrance Alston gave the first  
2   name that you say he gave to Detective  
3   Agostini because he did not want to involve  
4   that person or get that person in trouble.

5           Q.   So he decided to get an innocent  
6   person in trouble instead of the gentleman  
7   who he claims sold Anthony Manganiello the  
8   gun; is that correct?

9           MR. ZUCKERMAN:  Object to the  
10   form.

11          A.   Is that Mr. Manganiello's  
12   position?

13          Q.   I'm asking you if that's what your  
14   understanding was --

15          A.   Not at all.

16          Q.   -- after speaking with Terrance  
17   Alston?

18                Did you ever -- when did you  
19   question Terrance Alston about this lie?

20          MR. ZUCKERMAN:  Object to form.

21                You want a date?

22          Q.   Correct.

23          A.   It was sometime between when I  
24   became aware of it and when he was killed.



CHRISTINE SCACCIA

44

1 Q. When did you become aware that  
2 Terrance Alston had made a  
3 misrepresentation to Detective Agostini  
4 about selling -- a gentleman named Johnny  
5 Baker selling Anthony Manganiello a gun?

6 MR. ZUCKERMAN: Object to form.

7 A. I don't recall.

8 Q. Did you become aware that Terrance  
9 Alston had lied prior to authorizing the  
10 arrest of Anthony Manganiello?

11 MR. ZUCKERMAN: Object to the  
12 form.

13 A. Though I cannot specify the date,  
14 I would say that probably, yes. Mr. Alston  
15 was not alive too much longer after the  
16 presentation.

17 Q. On February 12th, 2001, was  
18 Terrance Alston actually in Rikers Island?

19 A. I believe he was incarcerated.

20 Q. Did Detective Agostini ever raise  
21 any concerns with you that Terrance Alston  
22 was playing games to get out of jail, as he  
23 put it?

24 MR. ZUCKERMAN: Object to form.



CHRISTINE SCACCIA

45

1           A.    I don't remember if we ever had  
2   that conversation or not.

3           Q.    Okay. Did Lieutenant Scott ever  
4   discuss the fact that Alston had lied to  
5   you?

6           A.    I don't remember having any  
7   discussions with Lieutenant Scott.

8           Q.    Do you recall having discussions  
9   with a Detective Abbott concerning this  
10   case?

11          A.    Detective Abbott was involved --  
12   I'm trying to think what capacity he was  
13   involved in. I don't know if he was  
14   Agostini's partner at the time or if he was  
15   the detective from Bronx Homicide assigned  
16   to this case. I'm sure we had  
17   conversations, I just don't recall.

18          Q.    Did you ever have any  
19   conversations with Detective Abbott  
20   concerning Mr. Alston?

21               MR. ZUCKERMAN: Object to form.

22          A.    Not that I remember.

23          Q.    Did you ever have any  
24   conversations with Mr. Parker about



CHRISTINE SCACCIA

46

1 Terrance Alston and/or the fact that he had  
2 lied?

3 A. I had conversations with Derek  
4 Parker about Terrance Alston, but I don't  
5 know if we had a conversation about him  
6 lying.

7 Q. Can you tell me the sum and  
8 substance about the conversation you had  
9 with Mr. Parker concerning Terrance  
10 Alston?

11 A. It was that he had knowledge of  
12 Mr. Alston. Mr. Alston brought to his  
13 attention the incident between himself and  
14 Mr. Manganiello, where Mr. Manganiello had  
15 tried to hire him to kill another security  
16 guard. At some point, and I don't remember  
17 if it was after my first meeting with  
18 Mr. Alston or -- I don't remember at what  
19 point, but at some point Mr. Alston tells  
20 me that Mr. Manganiello had gone as far as  
21 providing him with a key to the basement  
22 area of Parkchester, which are not  
23 accessible to tenants, and are only  
24 possessed by employees. And that that was





CHRISTINE SCACCIA

47

1 the key he was to use to go to this  
2 location that the incident was supposed to  
3 take place at.

4 And I think it was Detective  
5 Parker who facilitated getting that key  
6 from Mr. Alston's property and providing it  
7 to the District Attorney's Office.

8 Q. So you actually had a key?

9 A. Yes.

10 Q. Where is that key now?

11 A. Somewhere in property.

12 Q. Was that key ever provided to  
13 Mr. Manganiello's criminal defense  
14 attorney?

15 A. No, because Mr. Alston was dead by  
16 the time this case went to trial.

17 Q. And where is that -- can you still  
18 put your hands on that key?

19 A. I have been trying to locate the  
20 people, meaning the District Attorney's  
21 office folder, and the property that went  
22 along with it. Because of our own  
23 sometimes inadequate filing system, I have  
24 not been able to do that as of yet.



CHRISTINE SCACCIA

48

1 Q. When was the last time you saw the  
2 District Attorney's file concerning the  
3 prosecution of Anthony Manganiello?

4 A. Probably a few days after the  
5 acquittal when I packed it up to be filed  
6 away.

7 Q. And is there a system in place to  
8 preserve the files of prosecutions after  
9 they have been closed?

10 MR. ZUCKERMAN: Object to form.

11 A. There are, and over the course of  
12 the last several years the facilities in  
13 which these files are stored have been  
14 moved on a number of occasions.

15 MR. ZUCKERMAN: Are you done with  
16 your answer?

17 THE WITNESS: Yes.

18 Q. And is it your testimony that to  
19 date you have been unable to locate the  
20 prosecution file -- strike that.

21 Is it fair to say that up until  
22 the present you have been unable to locate  
23 the District Attorney's file concerning the  
24 prosecution of Anthony Manganiello?



CHRISTINE SCACCIA

49

1           A.    well, mind you, I really just  
2   started looking for it now that this has  
3   come up.

4           Q.    Is that a yes?

5                   Is it fair to say that up until  
6   today you have been unable to locate the  
7   District Attorney's file for the  
8   prosecution of Anthony Manganiello?

9           A.    well, that is trying to make it  
10   sound like the file has been lost for  
11   years. I mean the file could be exactly  
12   where it's supposed to be. I have not been  
13   able to find the spot where it has been  
14   moved to.

15          Q.    When did you start looking for  
16   this file?

17          A.    Probably Tuesday evening.

18          Q.    Were you aware that several months  
19   ago the file had been subpoenaed and  
20   there's been no response to that subpoena?

21          A.    No, I wasn't.

22

23                   (Scaccia Exhibit 1, GRAND JURY

24                   MINUTES, was marked for



CHRISTINE SCACCIA

50

1 identification.)

2

3 Q. Can you please take a look at  
4 Exhibit Number 1.

5 A. Okay.

6 Q. Do you recognize this document?

7 A. The grand jury minutes from the  
8 case presentation.

9 Q. Was it the grand jury minutes for  
10 the case presentation concerning the case  
11 against Anthony Manganiello?

12 A. Yes. The investigation into the  
13 death of Albert Acosta.

14 Q. Now, did Mr. Alston testify before  
15 the grand jury that Mr. Manganiello  
16 approached him in October of 2000  
17 concerning killing -- murdering a security  
18 guard for hire?

19 MR. ZUCKERMAN: Just take your  
20 time and review it.

21 A. Did you say 2001?

22 Q. October of 2000.

23 A. Yes.

24 Q. Let me show you what was

